

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 23, 2015

Hearing opened at 7:00 P.M. with Councillor Dombrowski, Chair of the LEGAL AFFAIRS COMMITTEE, presiding.

Present at the hearing was Health Director Christopher Knuth and Animal Control Officer Todd Pickett.

All members were present.

The following ORDINANCE was the subject of the hearing:

Relative to amending Chapter 6 of the Revised Ordinances entitled “Dogs” by replacing it with a new Chapter 6.

Mr. Knuth introduced Todd Pickett to the Council and said he has been the Animal Control Officer for about eighteen months and is doing a very good job. He said it isn’t an easy job and he likes the way he shows compassion to the animals and he uses a lot of common sense.

Mr. Knuth said there was a new regulation adopted by the State in 2012 about Animal Control Officers and animals and dogs. He said what they want to do is update the existing Chapter 6 in the Ordinance. We weren’t even doing the minimums that were required by the State. This proposal reflects at least the minimums required.

He said one of the biggest things they changed were the definitions to help them better work with the problem dogs. In the past six months there have been two dangerous dog hearings, dogs that have bitten people in town. The description of a dangerous dog is different than before. The old definition required a dangerous dog was one that had bitten or inflicted severe injury on a human being without provocation or had killed a domestic animal started without provocation. Now the definition is a dog that either without justification attacks a person or domestic animal causing physical injury or death or behaves in a manner that a reasonable person would believe possess an unjustified imminent threat of physical injury or death to a person or domestic owned animal. He said that was included before in the potentially dangerous dog but we included in there because we have had some pretty nasty animals that you know if you let them off their lead what was going to happen. Both cases, where he was presiding over the dangerous dog hearing, there were actually documented bites. One man was bitten in the face and one of the Assessors got bitten.

Councillor Salvatelli asked if the fine structure belongs to the State.

Mr. Knuth said yes. First offense if \$50, second offense is \$100 and third time and any subsequent offense would be \$300.

Councillor Salvatelli asked if they have fined people before.

Mr. Pickett said yes, but not this year.

Councillor Salvatelli asked Mr. Pickett how many times have you fined people in the 18 months you have been the ACO.

Mr. Pickett said he wrote \$600.00 in fines last year.

Councillor Nickel asked if there are any parts listed in this new ordinance that we have gone more stringent than the State.

Mr. Knuth said nothing comes to mind.

Councillor Salvatelli asked if we have an account for the fines.

Mr. Pickett said no, there was an account established for donations to help the animals.

Mr. Knuth said the fines go into the general fund. He said he asked for a revolving account and was told he could not have it.

Councillor Freda asked how we compare with other communities our size across the State in terms of what we consider dangerous dogs.

Mr. Knuth said that is a tough question because different people have different interpretations of these types of regulations but generally they are going to have to follow the State law.

Councillor Freda said what bothers me is people have different interpretations. She said she has been a Real Estate Appraiser for thirty seven years and has gone into houses forever and always pet an animal but the last five to ten years I don’t even put my hand out anymore. She said you can tell by the people who are going to have the dangerous dogs in that house. I have never been afraid of a dog in my life until the last few years. I guess I really worry that with neighbors today somebody wants to punish a neighbor by saying their dog is bothering them.

Mr. Knuth said we get that a lot.

Mr. Pickett said we will get calls that a dog was barking all day long. I will knock on the neighbor doors. He said he doesn’t take one person’s word for it.

Councillor Marchand asked if he included a list of dangerous dogs in the Ordinance.

Mr. Pickett said we did change breed specific with the old laws but with the new laws we are not allowed to so it had to be removed. Breed specific is not allowed in Massachusetts.

Councillor Marchand asked at what point does the dog officer/health department intervene with the Police Department to qualify a complaint, if it happens.

Mr. Knuth said we get the calls.

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 23, 2015, continued

Councillor Marchand said he would like to see the data before changing an ordinance of this magnitude. He said he would like some accountability with what is happening here.

Mr. Knuth said Mr. Pickett keeps track of all the complaints.

Councillor Bodanza asked he has any plans on changing or applying different zoning to the kennels.

Mr. Knuth said zoning is not our deal and we will enforce it by the Zoning Ordinance. Mr. Pickett will decide who gets the license for a kennel.

Councillor Feckley asked how the fines are enforced.

Mr. Knuth said typically we use non-criminal disposition tickets.

Councillor Feckley asked what happens if they don't pay it.

Mr. Knuth said we can go to the Magistrate at the Court House and compel them to come in and pay the fines.

Councillor Feckley asked what the end game is if they don't come in?

Mr. Knuth said unfortunately there are one or two Magistrates that don't want to go any further with it because it is a minor thing, but said he found a way that they can do it without their involvement. They can file for an injunction.

Joan Nolin Thompson, 45 Lourdes Drive spoke about vicious dogs. She was glad to hear it is non breed specific.

Vicky Griffin, Leominster, said she was concerned in the change of the language in the ordinance regarding barking. Dogs bark and for various reasons. She thinks the new language could probably open up new avenues to interpretation. I know it's a State thing and that doesn't mean it was written well and she is looking for clarification.

Mr. Knuth said the only difference is before it was between 10 P.M. and 7 A.M. but we do have instances where dogs bark excessively during the day. If somebody is home that works the night shift it's really not fair.

Ms. Griffin said, so you are concerned about excessive barking.

Mr. Knuth said yes, or one that barks every time it is out, disturbs people. Just because one person comes to me with a complaint doesn't mean that I am going to come down there and enforce something. I have to check it out on a case by case basis to see if it is just one person is annoyed or the whole neighborhood.

Sue Derr, 26 Third Street said she has three dogs and wants to mate one this year. She said she is not selling them or out to make money but if she falls in love with the puppy are you telling me I have to have a Kennel License because I now have four dogs? Do I have to have kennels outside for them?

Mr. Knuth said we would have to come and evaluate your home, where it is, if you are on top of your neighbors. He said the first thing is zoning to see if you have a "by right" right to have a kennel there.

Ms. Derr said she owns a two family whose tenant owns a cat and if they decide to get a dog she doesn't need a kennel because she is a separate apartment, correct?

Mr. Pickett said correct.

Mr. Knuth invited Ms. Derr to come to his office to go over the Ordinance.

Councillor Salvatelli said before Mr. Pickett was here and we did not have a dog officer for a year. The dog officers were actually the police and that was an issue that I got into because in Ward 4 there is a kennel on Pleasant Street. He said Police Officers were constantly bringing dogs there because the owner had a huge heart and didn't want to see the dogs destroyed quickly. He said when you came on it was such a significant help to the community. You have to be doing a heck of a job for handling all the problems and not having the police involved. That is remarkable.

Councillor Salvatelli asked Mr. Pickett if he had a kennel of his own.

Mr. Pickett said yes.

Councillor Salvatelli said when you get calls about dogs do you take them home to your kennel and then the owner will have to pay a fine for that?

Mr. Pickett said \$20 a day for boarding and written to the city.

Councillor Salvatelli asked where his kennel was.

Mr. Pickett said Westminster.

Councillor Freda said Fitchburg had a more recent situation where they picked up a dog. We know what the end result was after a lengthy timeframe. She said the city had possession of the dog from November until the end of January before they actually put the dog down. That was a determination whether it was a dangerous dog or not a dangerous dog. What is our position with some of these organizations that want to take this dog? How do we deal with something like this? If we had a dangerous dog and you didn't have the owner of that dog, do you have the right to put that dog down? Do you make the decision or do you let one of these organizations take it?

HEARING BEFORE THE CITY COUNCIL, FEBRUARY 23, 2015, continued

Mr. Knuth said if the dog is determined to be dangerous there are several different outcomes. You can order the owners to keep the dog very safely or we can order it to be euthanized.

Councillor Freda said this particular dog, they didn't know who the owner was because they found it on the side of the road with puppies. It was in a veterinary hospital for a substantial amount of time which cost the city a lot of money. That made me wonder where we were if we have that kind of situation.

Mr. Pickett said the city only pays for the first 14 days of kenneling and after that it is no longer the city's responsibility.

Councillor Freda said these organizations are doing litigation and going to court and stopping some of the right to euthanize. They want to take the dog. Where is the responsibility for the community if you were to let a dog go with one of these organizations and someone gets hurt.

Mr. Knuth said we haven't been approached on either case by anyone other than the owners.

Councillor Freda said maybe we should look at the case that happened in Fitchburg and be prepared.

Councillor Nickel said you can look to see what other towns are doing as far as relinquishing a dog. There is probably a waiver of liability or something if the city decided to send the dog to a rescue place.

Mr. Knuth said with certain dogs I am not sure I would let it go. The last dog we dealt with, I don't feel it's going to be safe anywhere.

Councillor Nickel said obviously a case you have that right to say. Do you adopt?

Mr. Pickett said yes.

Mr. Knuth said Todd and I took a course on adoption and it was a very intense training.

Councillor Marchand asked how do people get a hold of you if you take the dog to Westminster. City Hall, police and fire departments have my number. He said he posts on social media.

Councillor Marchand asked what the turn around time is on a lost dog.

Mr. Pickett said he had one yesterday and it was an hour and a half. On average less than twelve hours.

Councillor Salvatelli asked how long his contract goes for.

Mr. Pickett said three years.

Councillor Salvatelli asked about the fee for euthanizing and burial.

Mr. Pickett said he has not put any dogs down since he started.

Councillor Salvatelli said that is good.

HEARING ADJOURNED AT 7:39 P.M.

Lynn A. Bouchard, City Clerk and
Clerk of the City Council

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 23, 2015

Meeting was called to order at 7:30 P.M.

Attendance was taken by a roll call vote; all members were present.

The Committee on Records reported that the records through February 12, 2015 were examined and found to be in order. The records were accepted.

Motion was made to recess at 7:34 P.M. to continue the public hearing and to hold a public forum.

Meeting reconvened at 7:44 P.M.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 7/0 Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 7 "yeas", Councillors Cormier and Nickel abstained due to a possible conflict of interest.

C-30 Relative to the appropriation of \$100,000.00 to the Fire Department Overtime Account; same to be transferred from the Stabilization Fund.

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 23, 2015, continued

ORDERED: that the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the Fire Department Overtime Account; same to be transferred from the Stabilization Account.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 9/0 Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 “yeas”

C-31 Relative to the appropriation of \$100,000.00 to the Police Department Overtime Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the Police Department Overtime Account; same to be transferred from the Stabilization Fund.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 9/0. Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was AMENDED and GRANTED AS AMENDED and ORDERED. Vt. 9 “yeas” Amended from \$345,000.00 to \$550,000.00.

C-32 Relative to the appropriation of \$550,000.00 to the Snow & Ice Expense Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Five Hundred Fifty Thousand Dollars (\$550,000.00) be appropriated to the Snow and Ice Expense Account; same to be transferred from the Stabilization Fund.

The following COMMUNICATION was received with an EMERGENCY PREAMBLE and referred to the FINANCE COMMITTEE. Vt. 9/0 Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 “yeas”

C-33 Relative to the appropriation of \$100,000.00 to the Snow & Ice Salary & Wages Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of One Hundred Thousand Dollars (\$100,000.00) be appropriated to the Snow & Ice Salary & Wages Account; same to be transferred from the Stabilization Fund.

The following PETITION was received, referred to the PUBLIC SERVICE COMMITTEE and given REGULAR COURSE. A hearing was scheduled for March 8, 2015 at 7:05 P.M.

22-15 National Grid and Verizon New England: Lake Street – Install 1 jointly owned pole and anchor. National Grid to install pole, down guy, and anchor with a 6 foot lead. New pole and anchor will be located on city property at the south end of Lake Street.

The following APPOINTMENT was received, referred to the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE and given REGULAR COURSE.

Council on Aging - term to expire April 15, 2018
Andriana Fotakis

Councillor David Cormier, Chairman of the Finance Committee, read the Financial Report for the City into the record. Account balances are as follows:

Stabilization Account	\$12,545,407.93
Emergency Reserve	\$0

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was RATIFIED. Vt. 7 “yeas”, Councillor Nickel and Cormier abstained due to a possible conflict of interest. (Granted with an Emergency Preamble on February 12, 2015; another vote was needed.)

C-28 Relative to the appropriation of \$70,000.00 to the Fire Department Overtime Account; same to be transferred from the Emergency Reserve Account.

Upon recommendation of the FINANCE COMMITTEE, the following COMMUNICATION was GRANTED and ORDERED. Vt. 9 “yeas”

C-29 Relative to the appropriation of \$522,000.00 to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.

ORDERED: - that the sum of Five Hundred Twenty Two Dollars (\$522,000.00) be appropriated to the Recreation Department Capital Outlay Expense Account; same to be transferred from the Stabilization Fund.

The following ORDINANCE was read a second time, ADOPTED as presented and passed to be ordained. Vt. 9 “yeas”

City of Leominster
In the year two thousand and fifteen

AN ORDINANCE

amending Chapter 6 of the Revised Ordinances entitled “Dogs.”

Be it ordained by the City Council of the City of Leominster, as follows:

Chapter 6 of the Revised Ordinances entitled “Dogs” is hereby amended by replacing the existing Chapter 6 as follows:

As to disposition of dead animals, see § 14-4 of this Revision.

§ 6-1. Definitions.

§ 6-2. Permitting dog to run-at-large.

§ 6-2.1. Enclosure and/or restraint of dangerous dog.

§ 6-2.2. Declaration of dangerous dog.

§ 6-2.3. Law enforcement use.

§ 6-2.4. Failure to license dog.

§ 6-3. Impoundment– Duty of Animal Control Officer; notice to owner; redemption procedure; fees.

§ 6-4. Same– Disposition of unclaimed dogs.

§ 6-5. Penalties for violation of chapter.

§ 6-6. Enforcement of chapter.

§ 6-7. Noncriminal disposition.

§ 6-8. Pet waste disposal.

Section 6.1 Definitions.

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them herein; unless the text clearly indicates otherwise:

“Adequate Shelter”, a structure providing protection for - an animal or animals, whether livestock, service or companion animals, or pets - which is large enough for the animal(s) to stand naturally, turn around and lie down inside without being exposed to the elements of weather and which is protected from excessive heat and cold. The roof and walls of the structure must be waterproof and windproof. Bedding must be dry, kept dry and changed regularly to preserve its insulation qualities and cleanliness. The walls must be adequate to provide reasonable protection from cold and openings must appropriately close, in the judgment of the animal control officer, so as to preserve the heat within generated by the animals body heat. Adequate shelter from sun may be provided by a tarp placed in a manner which provides sufficient shade and allows air to pass through for ventilation. In appropriate circumstances, consistent with the public health and safety as determined by the Director of Public Health, adequate shelter can mean the residence of the owner or keeper.

“Animal control officer”, an appointed officer authorized to enforce G.L. c.140, sections 136A to 174E, inclusive, and the appropriate and relevant Leominster City Ordinances.

“Attack”, aggressive physical contact initiated by an animal.

Dog Classifications:

“Dangerous dog”, a dog that either: (i) without justification, attacks a person or domestic animal causing physical injury or death; or (ii) behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to a person or to a domestic or owned animal.

“Nuisance dog”, a dog that: (i) by excessive barking or other disturbance, is a source of annoyance to a sick person residing in the vicinity; or (ii) by excessive barking, causing damage or other interference, a reasonable person would find such behavior

disruptive to one's quiet and peaceful enjoyment; or (iii) has threatened or attacked livestock, a domestic animal or a person, but such threat or attack was not a grossly disproportionate reaction under all the circumstances.

Any unsprayed female dog in season, shall be deemed a Nuisance Dog when not confined indoors by the owner, or housed in a Veterinary Hospital or kennel.

“Domestic animal”, an animal designated as domestic by regulations promulgated by the department of fish and game.

“Euthanize”, to take the life of an animal by the administration of barbiturates in a manner deemed acceptable by the American Veterinary Medical Association Guidelines on Euthanasia.

“Farm Animal” an animal intentionally kept, maintained and or reared in an agricultural setting for produce, such as food or fiber, or for its labor. As an example only and without limiting the generality of the foregoing, it means any ungulate, poultry, bird, species of cattle, sheep, swine, goats, llamas, equine, or other fur bearing animal raised for commercial or subsistence purposes.

“Hearing authority”, a person or persons appointed by the Mayor to conduct hearing(s) required under this ordinance and to make determinations based on credible evidence and or testimony and render determinations as required under this ordinance and G.L. c. 140 s 157 and other applicable statutes and sections.

“Keeper”, a person, business, corporation, entity or society, other than the owner, having possession of a dog.

Kennels: Please note that the Leominster City Zoning Ordinance identifies where kennels are allowed. Please inquire with the Building Department for zoning determinations.

“Kennel”, a place where one or more packs or collection of dogs is maintained on a single premise, whether maintained for breeding, boarding, sale, training, hunting or other purposes, and includes any shop (except those under 39A of chapter 129) where any number of dogs are for sale.

It also includes every pack or collection of four (4) or more dogs, six (6) months or older, owned or kept on a single premise, regardless of the purpose.

A Veterinary Hospital does not constitute a kennel unless it sells or boards dogs unrelated to the medical service it provides to the dogs. If it does sell or board dogs for other than medical reasons, it must obtain a Commercial Kennel License.

“Commercial Kennel”, a kennel maintained for the boarding or in- residence training of dogs, a kennel where ten (10) or more dogs are kept or any kennel maintained for commercial purposes. Commercial kennel shall not include a Shelter.

“Residential Kennel”, a kennel with a minimum of four (4) and a maximum of nine (9) dogs in or on residential premises, but not for commercial purposes. Any person having four (4) or more dogs on a single premise or on adjacent premises is maintaining a kennel.

“License period”, the period of time for which a municipal licensing authority prescribes the validity of a dog license, including the date of issuance of the license through the date on which the license expires, inclusive.

“Licensing authority”, the Leominster City Clerk and the Animal Control Officer.

“Livestock or fowl”, a fowl or other animal kept or propagated by the owner for food or as a means of livelihood, deer, elk, cottontail rabbit, northern hare, pheasant, quail, partridge and other birds and quadrupeds determined by the department of fisheries, wildlife and environmental law enforcement to be wild and kept by, or under a permit from, the department in proper houses or suitable enclosed yards; provided, however, that “livestock or fowl” shall not include a dog, cat or other pet.

“Owner”, any person or persons, firm, association or corporation owning, keeping or harboring a dog as herein defined.

“Restraint”, under the control of the owner or keeper by a means of a collar and leash or chain or confinement on the owner's or keeper's property.

“Run at Large”, free of restraint and permitted to wander on private or public property at will without the consent of the property owner.

“Shelter”, a public animal control facility or other facility which is operated by an organization or individual for the purpose of protecting animals from cruelty, neglect or abuse.

“Severe Injury”, any injury requiring a physician's attention.

Sec. 6-2. Permitting dog to run-at-large.

(a) No person shall own, keep or harbor in the city outside the confines of the owner's or keeper's property (meaning owned, rented or leased), any dog which is not held firmly on a leash or chain, no more than six feet in length, by a person who shall have control of the dog. Retractable leashes with handles are an acceptable restraint under this section, provided that such leashes are not capable of extending past a maximum of sixteen feet, and further provided that the person having control of the

dog shall extend such leash no more than six feet in length in any public area when the dog may come in contact with another person or persons. All persons keeping, owning or having possession, control, charge or custody of any dog shall confine such dog on their premises by means of a leash, chain, tether, run or enclosure. For any dogs confined only by a fence or enclosure, such fence or enclosure must be of sufficient height and construction to prevent the dog from escaping.

(b) The owner or keeper of any dog who is found in violation of this section shall be subject to penalties as set forth in section 6-5 of this chapter.

(c) The provisions of section 6-2(a) of this chapter shall not apply to dogs engaged in sporting events such as hunting, field trials, or training, provided that this exemption applies only during such period of time as the dog is actually engaged in the event or sport, and only while the dog is so engaged in an area where hunting or other sporting events are permitted by statute and/or ordinance.

(8-12-96, § 2.)

Sec. 6-2.1. Enclosure and/or restraint of dangerous dog.

It is unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash (with a minimum tensile strength of three hundred pounds (300) lbs., not exceeding three (3) feet in length and under physical restraint of a responsible person. The muzzle shall not cause injury to the dog or interfere with its vision or respiration, but shall prevent the dog from biting any person or animal. Further, while on the owner's property which shall be properly posted as described below, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen structure, locked to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and also provide the dog protection from the weather. If the enclosure has no floor, the sides shall be imbedded into the ground for not less than two (2) feet. The construction of the enclosure shall be approved and inspected by the Animal Control Officer.

The owner or keeper of a Dangerous Dog shall post notices on the property where the Dangerous Dog is enclosed. The notices shall be posted at such intervals and heights and shall be of such size and type so as to provide clear, obvious and unambiguous notice that the dog enclosed in the structure is a dangerous dog. The notices shall be understandable by adults and children. It shall also be unlawful for the owner/keeper of a dangerous dog to violate the written order of the Animal Control Officer, the Hearing Officer or Hearing Authority.

(12-14-87.)

Sec. 6-2.2. Declaration of dangerous dog.

No dog may be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. Further, if the dog was defending itself, its offspring, another domestic animal or a person from attack or assault or if a person or animal breaches an enclosed structure housing the dog, said dog shall not be deemed a Dangerous Dog.

(12-14-87.)

Sec. 6-2.3. Law enforcement use.

Dogs used for law enforcement are exempt from the above.

(12-14-87.)

Sec. 6-2.4. Failure to license dog.

A late fee of ten dollars per dog shall be charged to each dog owner that fails to license his dog or dogs on or before May 1 of any year. An additional late fee of ten dollars per year, in addition to the annual licensing fee per year, shall be charged to each dog owner for each year that his dog was not licensed. Fees will be charged to any dog owner that fails to license his dog or dogs on or before May 1 of any year. The fees so collected shall be deposited in the city treasury to become part of the city's general fund.

(7-8-96.)

(5-24-10)

Sec. 6-3. Impoundment-- Duty of Animal Control Officer; notice to owner; redemption procedure; fees.

(a) It shall be the duty of the Animal Control Officer to apprehend any dog found unrestrained and running at large and to impound such dog in a suitable place, or to order the owner or keeper thereof to restrain such dog.

(b) If such dog so impounded has upon it the name and address of the owner thereof, or if the name of such owner is otherwise known, then the Animal Control Officer shall notify the owner, and if the owner is not known, then no notice shall be necessary. The owner of any dog so impounded may reclaim such dog upon the payment of the sum of twenty (20) dollars for the first twenty-four hour period or any part thereof and for each subsequent twenty-four hour period or portion thereof that the dog is held thereafter; provided, however, that if the dog is not licensed, that before release to any person, a license as required by the city shall be secured.

(1-8-73, § 3: 2-26-73; 9-13-76; 9-23-91.)

Sec. 6-4. Same– Disposition of unclaimed dogs.

Any dog which has been impounded and has not been redeemed by the owner within seven (7) days may be disposed of as provided by section 151A, chapter 140 of the General Laws of the state, and any amendments thereto.

(1-8-73, § 5; 9-13-76.)

Sec. 6-5. Penalties for violation of chapter.

(a) Any owner or keeper found in violation of this chapter shall be subject to a fine in accordance with the following schedule:

Schedule

1st offense \$ 50.00

2nd offense \$ 100.00

3rd and subsequent offenses \$300.00

All dangerous dog violations \$300.00

Each day a violation exists constitutes a separate offense.

(a) If the owner or keeper of a dog is a minor, the parent or guardian of such minor shall be held liable for any violation of this chapter.

(b) Any owner or keeper of a dog shall be subject to a fifty dollar fine if such dog, whether licensed or unlicensed, is permitted to run at large on dual rubbish-garbage collection days in designated wards.

(1-8-73, § 6; 4-25-77; 12-14-87; 9-23-91.)

Sec. 6-6. Enforcement of chapter.

The Animal Control Officer, assistant Animal Control Officer, the Director of Public Health and members of the police department duly appointed shall enforce the provisions of this chapter relating to dogs, and shall attend to all complaints or other matters pertaining to dogs in the city.

(9-24-90.)

Sec. 6-7. Noncriminal disposition.

The Animal Control Officer, assistant Animal Control Officer, the Director of Public Health or members of the police department duly appointed may, as an alternative to initiating criminal or civil proceedings or the remedies contained in G.L. c. 140 s 157, seek the noncriminal disposition of violations of this chapter by following the procedure set forth in section 21D of chapter 40 of the General Laws.

(9-24-90; 9-23-91.)

Sec. 6-8. Pet waste disposal.

It shall be the duty of each person who owns, possesses or controls a dog or other pet to immediately and properly remove and dispose of any pet feces deposited on any sidewalk or other public property or on any private property not owned or possessed by such person. Proper disposal shall consist of a bag or other container that is deposited in a trash receptacle that is collected by a licensed waste hauler or is otherwise disposed of at the city transfer station. Each person who owns possesses or controls a pet shall properly dispose of pet feces deposited on property owned or possessed by such person on at least a weekly basis, or more frequently if determined necessary by the Leominster Health Department to prevent a public health and environmental nuisance. No pet waste shall be deposited in any private or public drainage system, wetland, waterway or body of water.

Violations of this section shall be subject to a fine in accordance with section 6-5 of this chapter.

Upon request of the WAYS & MEANS AND VETERANS AFFAIRS COMMITTEE, the following RESOLUTION was AMENDED and ADOPTED as AMENDED. Vt. 9 “yeas” Amended from “Middlesex North District Registry of Deeds” to “Worcester North District Registry of Deeds.”

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR THE PARKLAND ACQUISITION AND RENOVATION FOR COMMUNITIES PROGRAM FOR A NEW PLAYGROUND ON THIRD STREET IN LEOMINSTER AND TO PURCHASE LAND LOCATED AT WELLS COURT AND MECHANIC STREET.

MOVED, in connection with the Third Street Playground and Water Park Project, to:

REGULAR MEETING OF THE CITY COUNCIL, FEBRUARY 23, 2015, continued

1. Authorize the Mayor to acquire, by purchase, gift, and/or eminent domain, the three parcels of land located on Mechanic Street and Wells Court and identified on Assessors Map 42 as Parcels 2, 3, and, 4, which parcels shall be held for, and dedicated to, recreational purposes under the provisions of G.L. c. 45, §3, with the Recreation Department having care, custody and control thereof;
2. Transfer, under the provisions of G.L. c.40, §15A, the care, custody and control of the parcel of land located at 163 Third Street and described in a deed recorded with the Worcester North District Registry of Deeds in Book 2553, Page 279, known as the “Third Street Park,” from the Recreation Commission for playground purposes under the provisions of G.L. c.45, §14 to the Recreation Commission for recreational purposes under the provisions of G.L. c.45, §3;
3. Appropriate from free cash the sum of \$522,000.00 for the purpose of acquiring the parcels of land identified on Assessors Map 42 as Parcels 2, 3, and, 4, and for the purpose of improving the foregoing parcels and the City-owned parcel at 163 Third Street for recreational uses by removing the existing playground equipment therefrom, constructing a new playground, creating open space and access thereto, expanding the equipment to include 2-5 year olds, and otherwise preserving and rehabilitating said parcels for recreational use, and for any and all costs related or incidental thereto; and
4. Authorize the Mayor and/or the Recreation Commission to file and accept, on behalf of the City, any and all applications for grants and/or reimbursements from the Commonwealth of Massachusetts, including, without limitation, from the Executive Office of Energy and Environmental under the Parkland Acquisitions and Renovation for Communities (PARC) Program, or the United States, and/or any other state or federal programs in any way connected with the scope of this vote and accept funds therefrom, and to enter into any all agreements and execute any and all instruments as may be necessary or convenient to affect said acquisition and to designate and dedicate said parcels and the City property at 163 Third Street for recreational purposes.

NOW, THEREFORE, BE IT

1. That the Mayor be and is hereby authorized to file and accept grants from the Executive Office of Energy and Environmental Affairs; and
2. That the Mayor be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Leominster Recreation Department; and that this resolution shall take effect upon passage.

The following ORDINANCE was read once, ADOPTED as presented and ordered published. A hearing was set for March 9, 2015 at 7:10 P.M. Vt. 9 “yeas”

1st Reading Ordinance – Amend Chapter 13 of the Revised Ordinances entitled “Stop Signs” by inserting Wildflower Road, against southbound drivers at Bernice Avenue and Bernice Avenue against northeast bound drivers at Wildflower Road.

Under New Business, Councillor Cormier said he personally extends his thanks for all the work the DPW has doing for the last thirty days, and all the contractors too. We have had a record amount of snow in a short period of time and broken water mains.

Councillor Marchand said there has been a lot of emergency snow removal especially in my ward. In the process street signs have been knocked down. We are going to have a lot of damage when it comes to the spring. These signs are not to be tossed out. Most likely they can be salvaged and replanted. He suggested if anyone has something of that nature call it into the Mayors office so they can put it on a list so eventually the DPW can get out there and reset the signs..

In accordance with Section 3.6 of the Leominster City Charter a vote was taken to ask DPW Director Ray Racine to come to the next meeting for an update on the snow removal and recognize him for his good work. Vt. 9/0

Councillor Freda said March 18, 2015 will be the Employee Recognition Dinner sponsored by the Leominster Rotary Club. We are still waiting for some names.

Councillor Nickel said the Spanish American Center had a considerable amount of damage. A pipe froze on the second floor that fed water into their dishwasher. They now have no ceiling in the reception area, the walls are down to the 2 x 4's, some of the flooring is starting to curl. He said they are looking to come up with some temporary space to keep up with the workload they have. Councillor Nickel said they were looking at approximately \$20,000 between sheetrock, floor and having to do additional upgrades to the electrical that was damaged. He said the community is going to support them and do what they can to get through this.

Councillor Marchand said as early as this afternoon Peter Bovenzi, a local philanthropist, formed a partnership with them and they will be moving into the 14 Manning Avenue building. It is a partnership to help them out until they get back into the building. They will still be in operation.

Councillor Lanciani said he went over to see the water situation at the Police Station. It has been cleaned up but they have had a water problem, a sewer backup problem and there has been talk in the newspaper about moving the patrolmen down to Lancaster Street and buying some lockers for their equipment. From the pictures I have seen a patrolman couldn't put a pair of boots in there side by side. He said he also looked at the new boiler in the boiler room. He said he wasn't happy with what he saw there. The old boiler is still there up against the new boiler tipped over sinking in the sand. The beam that holds 22 bay up was suppose to be fixed. If some of those conditions were at my home the Building Inspector and a few other inspectors would be closing my house down. He said it is a shame and he is humiliated by the fact that we have a department of men and women over there working to maintain law and order in this city and they have to work in those deplorable conditions. Yes, we've spent money but also manpower within the department to fix up the room upstairs where the court use to be. He said

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before we make any moves to take and shift the patrolman down to Lancaster Street that we (the Mayor, and representatives from the Police Department) sit down and work something out. This is a building that these men and women live in. They need support over there and we should support them.

Councillor Cormier said he cannot believe what they are working in. There is no question about that beam. If it was anyone else's property in the City it would be condemned. It is not safe. We should have the Chief down for another update.

Councillor Freda said the past few months we have been interviewing architects that have submitted plans to do a feasibility study of Lancaster Street for once and for all to find out if it is a viable building to meet the needs of a police station. They narrowed it down to five and interviewed all five; one was chosen by the Committee and is in negotiations with the Mayor's office. They anticipate a month to a month and a half to do the work. It will tell us that site is suitable, whether it will be suitable if we purchase property, if the square footage works, if the building is sound enough. There are a number of things. She said they were satisfied with the plan and if it can work they will tell us. If they can't do it then we will know we need to move on to another and see legitimately how serious the Mayor is about getting a new building.

Councillor Salvatelli said we are not talking about Ten Million Dollars, we talking Twenty Two to Twenty Five Million Dollars where we get no help from the State and looking at a twenty year mortgage and over one million dollar a year mortgage plus interest, a tax increase of a considerable amount of money to the taxpayers. It isn't just a done deal and do it. If we can't do it at Lancaster Street we should have debt exclusion. Let's find out if the public wants it. Lunenburg has twelve people in their building, Sterling has fifteen and Leominster has eighty. He says it isn't that easy.

Councillor Freda said part of the feasibility study will be to tell us exactly what it is going to cost to do that building and if it can be done. We are not the only community in this situation with no reimbursement.

Councillor Cormier said we are going to be retiring some debt soon including the Library and some school projects. By the time we get this ball rolling I can't see why we can't take on new debt.

Councillor Nickel said Gardner is not rolling in clover as far as money and they have had a brand new police station for two years.

MEETING ADJOURNED AT 8:43 P.M.

Lynn A. Bouchard, City Clerk and
Clerk of the City Council